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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,210

04/21/2004

Clark A. Levsen

34379

3209

23589

7590

07/31/2006

HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY, MO 64108

EXAMINER

PARSLEY, DAVID J

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/709,210		LEVSEN, CLARK A.	
	Examiner		Art Unit	
	David J. Parsley		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-16, 19-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-32 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-16, 19-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 6-5-06 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,958,304 to Barbee in view of U.S. Patent No. 4,939,814 to Tillion.

Referring to claim 1, Barbee discloses a tripe cleaning apparatus adapted to wash and refine a quantity of tripe, the apparatus comprising, a vessel – at 12, defining an inner chamber – see figure 1, for retaining a quantity of tripe – at 76, and a rotatable member – at 24, housed within the chamber – see figure 1, and adapted to rotate in a first direction and a second direction – see column 2 lines 59-68, the rotatable member presenting a washing surface and a refining surface – see any two different surfaces of item 24 in figure 5, wherein rotating in the first direction causes the tripe to be washed by the washing surface – see column 2 lines 59-68. Barbee does not disclose that movement in the second direction causes the tripe to be scarified.

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However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of Barbee is capable of scarifying the tripe during movement in the second direction in that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe by the refining surface. Barbee does not disclose the refining surface is more abrasive than the washing surface. Tillion does disclose the refining surface – at 56,62, is more abrasive than the washing surface – at the interior of 16 or – at 48 – see column 3 lines 8-67. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Barbee and add the abrasive refining surface of Tillion, so as to allow for the device to more thoroughly clean any unwanted contaminants from the any carcasses that may be difficult to remove with just the application of water.

Referring to claim 2, Barbee as modified by Tillion further discloses a motor – at 42, connected to the rotatable member – at 24, and operable to rotate the member in the first direction and in the second direction – see for example column 2 lines 59-68 of Barbee.

Referring to claim 3, Barbee as modified by Tillion further discloses a switch connected to the motor (inherent) and having a first state and a second state, wherein the switch causes the motor to rotate the member in the first direction when in the first state and causes the motor to rotate the member in the second direction when in the second state – see for example column 2 lines 59-68 where the motor is controlled to change the direction of rotation of the device based on the state of the tripe being cleaned. Further, it is inherent that the motor since it is electrically

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powered is controlled by a switch device such as that shown in U.S. Patent No. 3,112,518 to Doggett et al. which discloses a switch – at 158,160,182,184,206,208,210,212 for controlling the operation of the drive motor – at 134 as seen in figure 10 and column 5 lines 51-75 and column 6 lines 1-18.

Claims 4-6, 8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbee as modified by Tillion as applied to claim 1 above, and further in view of CH Patent No. 597763.

Referring to claim 4, Barbee as modified by Tillion does not disclose the rotatable member is a substantially circular disc. The Swiss patent does disclose the rotatable member is a substantially circular disc – see at 3,3',31 in figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Barbee as modified by Tillion and add the rotatable member being a circular disc of the Swiss patent, so as to allow for the tripe to be quickly cleaned with the contaminants quickly removed from the interior of the device.

Referring to claim 5, Barbee as modified by Tillion and the Swiss patent further discloses the disc presents an upper surface and a plurality of disc projections connected to the disc adjacent the upper surface – at 70,72 as seen in figure 5 of Barbee where the projections – at 70,72 project from the disc shaped bottom of the member – at 24, the projections adapted to wash the tripe when the disc is rotated in the first direction – see for example column 2 lines 59-68. Barbee as modified by Tillion and the Swiss patent does not disclose that movement in the second direction causes the tripe to be scarified. However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of Barbee as modified by Tillion and the Swiss patent is capable of scarifying the tripe during movement in the second direction in

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that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe.

Referring to claim 6, Barbee as modified by the Swiss patent further discloses each of the disc projections – at 70,72, presenting radially oriented longitudinal axis – see figure 1, a washing surface – at either side of items 70,72, and the washing and refining surfaces spaced on opposite sides of the axis – see figure 1 of the Swiss patent.

Referring to claim 8, Barbee as modified by the Swiss reference further discloses the washing and refining surfaces each presenting a slope from the upper surface of the disc to the longitudinal axis – see – at 70,72 in figure 5 of Barbee.

Referring to claim 13, Barbee as modified by Tillion and the Swiss reference further discloses the vessel – at 12 of Barbee, presenting an inner vessel wall – at the interior of 12 as seen in figures 1 and 5, that at least partially defines the inner chamber – at 24 – see figure 1 of Barbee, and a baffle – at 70 or 72, fixedly connected to the vessel adjacent the inner vessel wall and readily protruding within the chamber – see figure 5 of Barbee.

Referring to claim 14, Barbee as modified by Tillion and the Swiss patent further discloses the baffle – at 70 or 72 of Barbee, presenting a longitudinal axis, a washing baffle surface – at either side of item 70 or 72 and a refining baffle surface – at the other side of item 70 or 72, the washing baffle surface adapted to deflect tripe when the tripe is rotated in the first direction – see figures 1 and 5, column 2 lines 59-68 and column 3 lines 1-5 of Barbee, the

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refining baffle surface adapted to deflect the tripe when the tripe is rotated in the second direction – see for example figures 1 and 5, column 2 lines 59-68 and column 3 lines 1-5 of Barbee. Barbee as modified by the Swiss reference does not disclose that movement in the second direction causes the tripe to be scarified. However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of Barbee as modified by the Swiss patent is capable of scarifying the tripe during movement in the second direction in that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe.

Referring to claim 15, Barbee as modified by Tillion and the Swiss patent further discloses the refining baffle surface being gritted – see at 56,62 of Tillion.

Referring to claim 16, Barbee as modified by Tillion and the Swiss patent further discloses the refining baffle surface presenting a plurality of baffle projections – see at 70,72 of Barbee – at 56,62 of Tillion and – at 31,41 of the Swiss patent.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbee as modified by Tillion and the Swiss patent as applied to claim 6 above, and further in view of U.S. Patent No. 6,508,699 to Santoriello et al. Barbee as modified by Tillion and the Swiss patent does not disclose the refining surface is either serrated, knurled or gritted. Santoriello et al. does disclose the refining surface – at 22,24, is serrated – see for example figures 6 and 8. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Barbee as

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modified by Tillion and the Swiss patent and add the refining surface being serrated of the Santoriello et al. reference, so as to allow for any unwanted contaminants on the treated carcasses to be removed before further processing.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbee as modified by Tillion and the Swiss patent as applied to claim 5 above, and further in view of U.S. Patent No. 6,168,511 to Amstrup.

Referring to claim 11, Barbee as modified by Tillion and the Swiss patent does not disclose the disc presents a plurality of drain holes. Amstrup does disclose the disc – at 18,22, presents a plurality of drain holes – at 20 – see figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Barbee as modified by Tillion and the Swiss patent and add the disc with drain holes of Amstrup, so as to allow for the liquid used to clean the meat to be quickly removed from the device after use.

Referring to claim 12, Barbee as modified Tillion and by the Swiss patent and Amstrup further discloses the projections – proximate 19 and 29 of Amstrup, defining a plurality of projection openings – at 19,29, the disc projection openings axially aligned with the drain holes – at 20, so as to present a plurality of through holes – see figures 5-6 of Amstrup.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbee as modified by Tillion as applied to claim 1 above, and further in view of U.S. Patent No. 2,823,414 to Seal et al. Barbee as modified by Tillion does not disclose the vessel including a washing fluid inlet pipe nozzle, a refining fluid inlet pipe nozzle and a cold water inlet pipe nozzle, each of the nozzles being configured to connect the chamber with an external fluid source. Seal et al. does disclose the vessel – at 10, including a washing fluid inlet pipe nozzle – at 45 or 46, a refining

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fluid inlet pipe nozzle – at 45 or 46 and a cold water inlet pipe nozzle – at 45,46, each of the nozzles being configured to connect the chamber with an external fluid source (not shown but connected to the piping shown in figures 1 and 3-4 connected to the nozzles – at 45-46.

Therefore it would have been obvious to one of ordinary skill in the art to take the device of Barbee as modified by Tillion and add the fluid nozzles of Seal et al., so as to allow for the meat in the vessel to be cleaned of any contaminants prior to further processing.

Claims 20-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Swiss patent in view of Barbee and Tillion.

Referring to claim 20, the Swiss patent discloses a tripe cleaning apparatus adapted to wash and refine a quantity of tripe, the apparatus comprising, a vessel – at 1 with a wall – at 4,4',41,41', defining an inner chamber – at the interior of item 1 as seen in figure 1, wherein the chamber is adapted to contain the quantity of tripe – see figure 1, a disc – at 3,3', housed within the chamber – see figure 1, and rotatable in a first direction – see at 26,27 in figure 1, the disc including an upper surface – see figure 1, and a plurality of disc projections – at 31, projecting from the upper surface of the disc – see figure 1, each of the disc projections presenting opposed washing and refining surfaces – see at either side of the central axis of the disc – at 3,3' in figure 1, the washing surfaces being substantially smooth – see the wires at 31 at 3 in figure 1, and the refining surfaces begin abrasive – see at 31 at 3' in figure 1, where the wires at 31 are adapted to abrade the tripe during rotation of the device, and a motor – (not shown but connected at 26,27,28) connected to the disc – see figure 1, for selectively rotating the disc in the first direction – see for example figures 1-2, wherein rotating the device causes the tripe to be scarified by the refining surfaces – see at 31,41 in figure 1. The Swiss patent does not disclose

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the device is rotatable in a second direction via the motor and wherein rotating in the first direction causes the tripe to be washed by the washing surfaces and rotating in the second direction causes the tripe to be scarified by the refining surfaces. Barbee does disclose a tripe cleaning device having a rotating member – a 24 with a disc shaped bottom wall – see proximate 16 in figure 1, which is rotatable in first and second directions via the motor – at 42 – see for example figure 1 and column 2 lines 59-68, wherein rotation in the first direction the device is adapted to wash the tripe when the disc is rotated in the first direction – see for example column 2 lines 59-68. The Swiss patent as modified by Barbee does not disclose that movement in the second direction causes the tripe to be scarified. However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of the Swiss patent as modified by Barbee is capable of scarifying the tripe during movement in the second direction in that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe. Therefore it would have been obvious to one of ordinary skill in the art to take the device of the Swiss patent and add the motor rotating the device in a first and second direction of Barbee, so as to allow for the meat to be properly cleaned of any contaminants prior to further processing. The Swiss patent as modified by Barbee does not disclose the refining surface being more abrasive than the washing surface. Tillion does disclose the refining surface – at 56,62, is more abrasive than the washing surface – at the interior of 16 or – at 48 – see column 3 lines 8-67. Therefore it would have been obvious to one of ordinary skill in the art to take the

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device of the Swiss patent as modified by Barbee and add the abrasive refining surface of Tillion, so as to allow for the device to more thoroughly clean any unwanted contaminants from the any carcasses that may be difficult to remove with just the application of water.

Referring to claim 21, the Swiss patent as modified by Barbee and Tillion further discloses a plurality of baffles – at 70,72 of Barbee, connected to an inner surface of the wall of the vessel – at 24 – see figure 5 of Barbee, and protruding inwardly from the wall – see figure 5 of Barbee, each of the baffles including a baffle washing surface – see at either side of items 70 or 72 and a baffle refining surface – at the other side of items 70 or 72 – see for example figures 1 and 5 of Barbee.

Referring to claim 22, the Swiss patent as modified by Barbee and Tillion further discloses each projection washing surface – see at 70,72 in figure 5 of Barbee, is adapted to deflect the tripe – at 76, against the inner wall of the vessel – at 24, when the device/disc is rotated in the first direction so that the tripe contacts at least one of the baffle washing surfaces – see for example figures 1 and 5, column 2 lines 59-68 and column 3 lines 1-5 of Barbee.

Referring to claim 23, the Swiss patent as modified by Barbee further discloses each baffle washing surface – at 70,72, is adapted to deflect the tripe toward a center of the disc – see figures 1 and 5, and column 2 lines 59-68 of Barbee.

Referring to claim 24, the Swiss patent as modified by Barbee and Tillion further discloses each refining surface – at any portion of items 70,72 of Barbee, is adapted to deflect the tripe against the inner wall of the vessel – at 24 of Barbee, when the disc is rotated in the second direction so that the tripe contacts at least one of the baffle refining surfaces – see for example figures 1 and 5 and column 2 lines 59-68 of Barbee. The Swiss patent as modified by Barbee

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does not disclose the refining surface is adapted to scarify the tripe. However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of the Swiss patent as modified by Barbee is capable of scarifying the tripe during movement in the second direction in that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe.

Referring to claim 25, the Swiss patent as modified by Barbee and Tillion further discloses each baffle refining surface – at any of the surfaces of items 70,72, is adapted to deflect the tripe toward a center of the device/disc – see figures 1 and 5 and column 2 lines 59-68 of Barbee. The Swiss patent as modified by Barbee does not disclose the refining surface is adapted to scarify the tripe. However, this is an intended use/functional limitation in an apparatus claim and it is deemed that the device of the Swiss patent as modified by Barbee is capable of scarifying the tripe during movement in the second direction in that during the movement in the second direction the tripe – at 76 is caused to contact the spiral baffles – at 70,72 – see column 2 lines 59-68 and column 3 lines 1-5 and as seen in figures 1 and 5, the baffles – at 70,72 have thin edges extending the entire length of the baffles which contact the tripe and during contact with the tripe are capable of scratching/scraping the tripe and thus scarifying the tripe.

Referring to claim 26, the Swiss patent as modified by Barbee and Tillion further discloses each projection refining surface and each baffle refining surface being gritted surfaces- see at 56,62 of Tillion.

Referring to claim 28, The Swiss patent as modified by Barbee and Tillion further discloses a switch connected to the motor (inherent) and having a first state and a second state, wherein the switch causes the motor to rotate the member in the first direction when in the first state and causes the motor to rotate the member in the second direction when in the second state – see for example column 2 lines 59-68 of Barbee where the motor is controlled to change the direction of rotation of the device based on the state of the tripe being cleaned. Further, it is inherent that the motor since it is electrically powered is controlled by a switch device such as that shown in U.S. Patent No. 3,112,518 to Doggett et al. which discloses a switch – at 158,160,182,184,206,208,210,212 for controlling the operation of the drive motor – at 134 as seen in figure 10 and column 5 lines 51-75 and column 6 lines 1-18.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Swiss patent as modified by Barbee and Tillion as applied to claim 20 above, and further in view of U.S. Patent No. 2,823,414 to Seal et al. The Swiss patent as modified by Barbee and Tillion does not disclose the vessel including a washing fluid inlet pipe nozzle, a refining fluid inlet pipe nozzle and a cold water inlet pipe nozzle, each of the nozzles being configured to connect the chamber with an external fluid source. Seal et al. does disclose the vessel – at 10, including a washing fluid inlet pipe nozzle – at 45 or 46, a refining fluid inlet pipe nozzle – at 45 or 46 and a cold water inlet pipe nozzle – at 45,46, each of the nozzles being configured to connect the chamber with an external fluid source (not shown but connected to the piping shown in figures 1 and 3-4 connected to the nozzles – at 45-46. Therefore it would have been obvious to one of ordinary skill in the art to take the device of the Swiss patent as modified by Barbee and Tillion and add

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the fluid nozzles of Seal et al., so as to allow for the meat in the vessel to be cleaned of any contaminants prior to further processing.

Allowable Subject Matter

3. Claims 30-32 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-8, 11-16, 19-26 and 28-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER

7/15/06